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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,130	10/16/2006	Paul Iversen	04933-P0028A	9334
24126 7590 12/22/2009 ST. ONGE STEWARD JOHNSTON & REENS, LLC 986 BEDFORD STREET STAMFORD, CT 06905-5619				
EXAMINER CHIN SHUE, ALVIN C				
ART UNIT 3634		PAPER NUMBER		
MAIL DATE 12/22/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/554,130

**Applicant(s)**

IVERSEN, PAUL

**Examiner**

Alvin C. Chin-Shue

**Art Unit**

3634

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 34-66 is/are pending in the application.
- 4a) Of the above claim(s) 35, 36, 38, 47, 48, 50-52 and 60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34, 37, 39-46, 49, 53-59, 61-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/20/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 46 and 66 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase “said inner cable”, as set forth in claim 46, lacks antecedent basis. In claim 66, it is unclear what are the claimed auxiliary devices.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34, 39-44 and 54-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over German pat. ‘404 to Reineke in view of Gish and Smith, Jr. Reineke shows a servicing platform at 10 for servicing a wind turbine 3-6, the claimed difference being the cable with cable winding means, and holding/gripping means. Gish shows a platform with hoisting cables 62,64 and winding means 58,60. Smith, Jr. shows a holding/gripping/retaining means at 137 and forcing means at 152 and wheels at 150. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reineke to comprise

cables with winding means, as taught by Gish, for hoisting his platform, and to further comprise holding and forcing means with wheels and retaining means, as set forth in claim 60, as taught by Smith, for retaining and spacing his platform with his tower and for retaining a blade in his indentation.

Claims 34,37,43 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over German pat. '404 to Reineke in view of Gish and Grant. Reineke shows a servicing platform at 10 for servicing a wind turbine 3-6, the claimed difference being the cable with cable winding means, and holding/gripping means. Gish shows a platform with hoisting cables 62,64 and winding means 58,60. Grant shows a holding means at 112. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reineke to comprise cables with winding means, as taught by Gish, for hoisting his platform, and to further comprise a holding means, as taught by Grant, for retaining his platform around his tower.

Claims 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over German pat. '404 to Reineke in view of Ishii and Smith, Jr. Reineke shows a servicing platform at 10 for servicing a wind turbine 3-6, the claimed difference being the cable with cable winding means, and holding/gripping means. Ishii shows a platform with hoisting cables 22,23 and winding means 27,27. Smith, Jr.

shows a holding means at 137. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reineke to comprise cables with winding means, as taught by Ishii, for hoisting his platform, and to further comprise a holding means, as taught by Smith, for retaining his platform to his tower.

Claims 34, 41, 43, 44, 54, 58, 59, and 61-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over German pat. '404 to Reineke in view of Gish. Reineke shows a servicing platform at 10 for servicing a wind turbine 3-6, the claimed difference being the cable with cable winding means, and holding/gripping means. Gish shows a platform with hoisting cables 62,64 and winding means 58,60 and a holding means at 20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reineke to comprise cables with winding means, as taught by Gish, for hoisting his platform, and to further comprise a holding means, as taught by Gish, for retaining his platform to his tower.

Claims 64-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over German pat. '404 to Reineke in view of Gish, as applied to claim 61 above, and further in view of Azran. Azran teaches the use of a remote controller for controlling his winding means and auxiliary devices. It would have been obvious

to one of ordinary skill in the art at the time the invention was made to modify Reineke to comprise a remote controller, as taught by Azran, for remotely controlling his winding means and auxiliary devices.

Claims 35,36,38,47,48 and 50-52 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 9/28/09.

Applicant's election with traverse of Specie III in the reply filed on 9/28/09 is acknowledged. The traversal is on the ground(s) that the specie claims are all dependent claims. This is not found persuasive because being dependent claims do not make the species not patentable distinct.

The requirement is still deemed proper and is therefore made FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 571-272-6828. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The

fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alvin C. Chin-Shue  
Primary Examiner  
Art Unit 3634

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